

Patent Application
Docket P14268US1
09/770,217

Remarks

Claims Rejections: 35 U.S.C. §102(e)

5 Claims 1-24 stand rejected under section 102(e) of 35 U.S.C. for being allegedly anticipated by Espejo (US Patent 6,748,066).

Applicant respectfully traverses.

10 Claim 1 has been amended in the response to the first Office action to clearly and unambiguously point out the Applicants' invention. Amended claim 1 is directed to a method, comprising the steps of:
 receiving a call dialed from a calling cellular mobile station having a post-paid subscription to a toll free telephone number recognized in a supporting cellular communications network as being associated with a prepaid service;
15 responsive to the receipt of the call from the post paid subscription mobile station at the toll free number, triggering supporting cellular network calculation of a permitted prepaid use time for user communications effectuated through the post paid subscription mobile station;
 through connecting the post paid subscription cellular mobile station to a user called destination to establish a call connection; and
20 monitoring a duration of the established call connection against the calculated permitted use time.

Espejo (US Patent 6,748,066) relates specifically to a wireless interactive voice response system with variable announcements for prepaid users, and not for post-paid users as alleged in the outstanding Office action.

25 The entire disclosure of Espejo, including the passages referred to by the Examiner in the outstanding Office action, corroborate this difference.

30 First, in Espejo's Background section, there are disclosed the problems associated with existing prepaid systems, which are solved by Espejo's system, including the resource usage of prepaid systems. Emphasis is put on the particular needs of prepaid customers as opposed to port-paid subscribers (Espejo, col. 3, l. 1-14), and on the problems associated with prepaid subscription usage (Espejo, col. 3, l. 15-28).

Patent Application
Docket P14268US1
09/770,217

After listing a series of known problems of prepaid systems, Espejo proposes a solution based on an interactive voice response system (IVR) tailored for the needs of same particular group that consists of prepaid users. This is emphasized in Espejo at col. 4, l. 19-61, where it is clearly stated that the objects of Espejo's invention are directed to an IVR "for prepaid wireless service".

Throughout Espejo's disclosure, and particularly in col. 8-9, there is explained how a prepaid user can be directed to the IVR and use its interactive menu to be identified by the system, authenticated, then provided the option to add funds, consult the subscription profile, speak to a representative, etc.

Particularly the fact that the prepaid user can get authenticated by the IVR further confirms the fact that Espejo's IVR is solely for prepaid subscriber usage, since such user authentication necessitates the existence of a current prepaid subscription in the system. As opposed to prepaid users having an existing prepaid subscription via which they get authenticated by Espejo's system, it is technically impossible for post-paid subscribers (as in the Applicant's claimed invention) to be allowed access to Espejo's IVR, since by no means such a subscribers would get authenticated by the Espejo's system.

Equally important, at col. 7, l. 23-25, Espejo states how the entire IVR session is started for a calling prepaid subscriber when the application for prepaid customers residing on the SCP determines that the dialed number should be routed to the IVR system.

As shown, Espejo's repeatedly mentions that his IVR system applies to prepaid users. Therefore, it becomes apparent for one skilled in the art that Espejo's teaching is limited to an IVR system solely for the use of existing prepaid customers and that at no point does Espejo teach any extension of the usage of his system for prepaid service to post-paid subscribers, as claimed by the Applicant.

Because Espejo totally differs from the Applicant's claimed invention, the Applicant respectfully submits that the outstanding rejection under USC §102 is defective, and therefore should be withdrawn.

Applicant further kindly submits that the interpretation made of the prior art in the outstanding Office action was defective and inappropriate, and Applicant took steps in order to clearly explain the relevancy of Espejo in light of the present invention. In order to expedite the prosecution of the present application, Applicant kindly request the withdrawal of the finality of the Office action, and the allowance of the claims at file.

Patent Application
Docket P14268US1
09/770,217

Applicant respectfully submits that claim 1 is novel and nonobvious, and thus patentable over the teaching of Espejo. Claims 2-5 are dependent of claim 1, and since they merely add further limitations and clarifications thereto, they are believed to be patentable as well. Claim 6 is an independent claim having limitations similar or even narrower than those of claim 1, and is therefore submitted as being patentable for the same reasons. Claims 7-11 are dependent of claim 6, and since they merely add further limitations and clarifications thereto, they are believed to be patentable as well. Finally, claim 12 is another independent claim with limitations similar to those of claim 1, and is therefore submitted as being patentable too, while claim 13-17 depends on the claim 12 and because they only add further limitations and clarifications thereto, are patentable as well. Claim 18 is another independent claim with limitations similar to those of claim 1, and is therefore submitted as being patentable too. Claim 19-24 depends on the claim 18 and because they only add further limitations and clarifications thereto, are patentable as well.

Conclusion

All pending claims 1-24 are herein submitted as being in favorable condition for allowance.

In the Examiner finds out that a prosecution of the present invention would be facilitated by telephone interview, the Examiner is invited to contact the undersigned, Alex Nicolaescu, at telephone number (514) 345-7900 extension number 2596.

Respectfully submitted,

Alex Nicolaescu

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Date: 1 of 1